

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>In re:</b>	) <b>Chapter 15 Case</b>
	)
<b>FAIRFIELD SENTRY LIMITED, et al.,</b>	) <b>Case No. 10-13164 (CGM)</b>
	)
<b>Debtors in Foreign Proceedings.</b>	) <b>Jointly Administered</b>
	)
<b>FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), et al.,</b>	)
	)
<b>Plaintiffs,</b>	) <b>Adv. Pro. No. 10-03496</b>
	) <b>(CGM)</b>
<b>– against –</b>	) <b>Administratively</b>
	) <b>Consolidated</b>
<b>THEODOOR GGC AMSTERDAM, et al.,</b>	)
	)
<b>Defendants.</b>	)
	)
<b>FAIRFIELD SENTRY LIMITED (IN LIQUIDATION), acting by and through the Foreign Representatives thereof, and KENNETH KRYS and GREIG MITCHELL, solely in their capacities as Foreign Representatives and Liquidators thereof,</b>	)
	) <b>Adv. Pro. No. 10-03510</b>
<b>Plaintiffs,</b>	) <b>(CGM)</b>
	)
<b>-against-</b>	)
	)
<b>BANK HAPOALIM (SUISSE) LTD. a/k/a BANQUE HAPOALIM (SUISSE) S.A. and BENEFICIAL OWNERS OF ACCOUNTS HELD IN THE NAME OF BANK HAPOALIM (SUISSE) LTD. 1-1000,</b>	)
	)
<b>Defendants.</b>	)

**NOTICE OF APPEAL**

**Part 1: Identify the Appellant(s)**

**1. Names(s) of appellants:** Fairfield Sentry Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Kryz and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof (“Plaintiffs-Appellants”).

**2. Position of appellants in the adversary proceeding that is the subject of this appeal:** Plaintiff(s)

**Part 2: Identify the subject of this appeal**

- 1. Describe the judgment, order or decree appealed from;**
- 2. State the date on which the judgment, order, or decree was entered:**

Plaintiffs-Appellants, by their attorneys, hereby appeal under 28 U.S.C. § 158(a) from:

1. Each and every part of the Stipulated Order Granting in Part and Denying in Part Moving Defendants' Second Consolidated Motion to Dismiss, dated February 25, 2021 (ECF No. 75) (the "Order", annexed hereto as **Exhibit A**);
2. Final Judgment dated March 3, 2021 (ECF No. 77) (the "Judgment", annexed hereto as **Exhibit B**); and
3. Any and all prior decisions that necessarily affect the Order and Judgment, including but not limited to:
  - a. Memorandum Decision Granting in Part and Denying in Part Defendants' Renewed Motion to Dismiss, dated December 14, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Dec. 14, 2020)<sup>1</sup>, ECF No. 3062, annexed hereto as **Exhibit C**);
  - b. Memorandum Decision Granting in Part and Denying in Part Defendants' Motions to Dismiss and Plaintiffs' Motions for Leave to Amend, dated December 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y.

---

<sup>1</sup> The Court entered the decisions addressed in this Notice of Appeal only on the administratively consolidated docket for this action and its related proceedings.

Dec. 6, 2018), ECF. No 1743, annexed hereto to as **Exhibit D**), insofar as it concerns claims dismissed under the Order and the extraterritorial application of the Section 546(e) safe harbor;

- c. Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction, dated August 6, 2018 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 6, 2018), ECF No. 1723, annexed hereto as **Exhibit E**), insofar as it rules that Defendants' consent to the Subscription Agreement does not constitute consent to personal jurisdiction in the U.S. Redeemer Actions; and
- d. Memorandum Decision Denying Plaintiffs' Motion for Leave to File Further Proposed Amended Complaints in Certain Actions, dated August 10, 2020 (*Fairfield Sentry Limited (in Liquidation) v. Theodoor GGC Amsterdam et al.*, Adv. Proc. No. 10-03496 (SMB) (Bankr. S.D.N.Y. Aug. 10, 2020), ECF No. 3046, annexed hereto as **Exhibit F**).

**Part 3: Identify the other parties to the appeal:**

The relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Plaintiffs-Appellants	Attorneys
Fairfield Sentry Limited (in Liquidation), acting by and through the Foreign Representatives thereof, and Kenneth Krys and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof	<b>BROWN RUDNICK LLP</b> David J. Molton Marek P. Krzyzowski Seven Times Square New York, New York 10036 Telephone: 212-209-4800  <b>SELENDY &amp; GAY PLLC</b> David Elsberg

	Lena Konanova Ron Krock 1290 Avenue of the Americas New York, NY 10104 Telephone: 212-390-9000
<b>Defendants-Appellees</b>	<b>Attorneys</b>
See Schedule A	See Schedule A

**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

Dated: March 29, 2021  
New York, New York

Respectfully submitted,

**BROWN RUDNICK LLP**

*/s/ David J. Molton*

**BROWN RUDNICK LLP**

David J. Molton  
Marek P. Krzyzowski  
Seven Times Square  
New York, New York 10036  
Telephone: 212-209-4800  
Facsimile: 212-209-4801  
Email: [dmolton@brownrudnick.com](mailto:dmolton@brownrudnick.com)  
Email: [mkrzyzowski@brownrudnick.com](mailto:mkrzyzowski@brownrudnick.com)

—and—

**SELENDY & GAY PLLC**

David Elsberg  
Lena Konanova  
Ron Krock  
1290 Avenue of the Americas  
New York, NY 10104  
Telephone: 212-390-9000  
E-mail: [delsberg@selendygay.com](mailto:delsberg@selendygay.com)  
E-mail: [lkonanova@selendygay.com](mailto:lkonanova@selendygay.com)  
E-mail: [rkrock@selendygay.com](mailto:rkrock@selendygay.com)

*Counsel for the Plaintiffs-Appellants*